



Edward Y. Kroub – Attorney
300 Cadman Plaza W, 12th Floor
Brooklyn, NY 11201
P: 929-575-4175 | F: 929-575-4195
E: Edward@cml.legal | W: cml.legal

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VIA ECF

The Honorable Laura T. Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Roxanne Smith v. Experian Information Solutions, Inc., et al.*
No. 1:20-cv-01018-LTS-GWG

Dear Judge Swain:

We represent plaintiff in the above-referenced matter and respectfully write jointly with defendant American Express National Bank, named as American Express Co. (“Amex”) to update the Court regarding the arbitration of Plaintiff’s claims against Amex. Plaintiff recently filed the demand for arbitration with JAMS after it became clear that the parties would be unable to resolve their claims independently. JAMS has acknowledged receipt of the matter and is in the process of assigning a case manager. The next step of the process involves the selection of an arbitrator.

In light of the above, the parties respectfully request an administrative dismissal of this action without prejudice pending the conclusion of the arbitration. In addition, the parties respectfully request that they be provided 120 days after a final arbitration award is issued to move to vacate, modify, or correct the award; the Federal Arbitration Act establishes a three-month deadline for moving to vacate, modify, or correct an award. *See* 15 U.S.C. §12. After that deadline expires, the parties will have an additional 30 days to reopen this action to confirm the award.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Edward Y. Kroub
EDWARD Y. KROUB

cc: All Counsel of Record (via ECF)

This case is hereby dismissed as against Amex pending the conclusion of arbitration, without prejudice to reinstatement thereafter. Because 9 U.S.C. section 12 makes no provision for judicial extension of the deadline for moving to vacate, modify or correct an award, the request for 120 days to file the motion is denied. DE# 65 resolved.

SO ORDERED.

/s/ Laura Taylor Swain, USDJ 10/1/2020